IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.501 OF 2003
IN
SECOND APPEAL NO.180 OF 2002

1.Chandrakant Deo Parab and Ors. ..Applicants
(Orig.Respondents)

Versus

1.Smt.Rukini Krishna Parab & Ors. ..Opponents
(Orig. Appellants)

Shri G.R.Rege with Ms.Leena Sawant for applicants

Mr.P.J.Thorat for R.A.Thorat for orig. Appellants

Mr.V.A.Sugdare for Respondent Nos.13 to 15, 18, 21, 22A to 22C, 23, 24, 26 to 34.

CORAM : P.V.KAKADE, J.

DATE : 4TH FEBRUARY,2005

P.C.:

. In this application an order dated 19th September, 2004 was passed as follows :

"None appears for the applicants. Hence, application stands dismissed for default with no order as to costs.

Stay granted, if any, stands vacated".

. However, by the present praecipe, it is moved by the original respondent No.2, that the application was filed by him and not by the original appellants, who were absent and hence the order requires modification. Perused the entire record. Heard both sides. The learned advocate for the present opponents admit that they were not present on that date.

. In view of this position, the order requires to be modified and the modified order reads thus :

"None appears for the original appellants. Heard. In view of the facts and circumstances the application is made absolute in terms of prayer clauses (a) and (b) and stands disposed of."

. Parties to act on a copy of this order duly authenticated.

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